IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 16820-M of 2006

DATE OF DECISION : 07.09.2006

Ranjit Singh alias Rana

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. B.P.S. Gill, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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This is second petition filed by petitioner Ranjit Singh alias Rana under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 80 dated 20.7.2004 under Sections 364/364-A/ 368/120-B IPC, registered at Police Station Division No.8, District Ludhiana. His earlier petition was dismissed as withdrawn on 2.9.2005.

2. I have heard counsel for the parties and gone through the contents of the FIR.

3. The aforesaid FIR was registered on the complaint made by Narinder Kumar alleging therein that on 20.7.2004, his son, namely Chirag, aged about 7 years, was kidnapped by some unidentified persons, who came in a maruti car. In the car, three persons were present and the driver kept the car in starting position, while one of the occupants of the car came out, forcibly took out son of the complainant and ran away in the said car. As per the prosecution, on the next day, the child was recovered from the house of the petitioner.

4. In this case, during the investigation, six persons were arrested, including Des Raj, who is the maternal uncle of the complainant and his son Amandeep Happy. The other accused are stated to have been friends of

Amandeep Happy.

5. Counsel for the petitioner submits that the petitioner is in custody since 22.7.2004 and till date, out of 25 witnesses cited by the prosecution, only 4 have been examined and none of them has deposed even a single word against the petitioner. Counsel contends that the conclusion of trial in this case is going to take a long time. He further contends that admittedly, as per the prosecution version, the petitioner was not involved in the kidnapping of the child. The only allegation against him is that the child was recovered from his house. Counsel for the petitioner submits that the accused, at whose behest the child is alleged to have been kidnapped, is maternal uncle of the complainant and the motive of the alleged abduction is also not strong. He contends that the aforesaid FIR is outcome of a property dispute between the main accused Jai Pal and the complainant.

6. In view of the aforesaid facts, without expressing any opinion on the merits of the case, keeping in view the fact that the child was recovered on the next day, coupled with the fact that 21 prosecution witnesses are yet to be examined and the petitioner is in custody since 22.7.2004, I deem it appropriate to grant bail to the petitioner. He is accordingly ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

September 07, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**